

**2001 Constitution of the Muscogee Nation of Florida.
Muscogee Nation of Florida Technical Assistance Response 2002**

CONSTITUTION
OF
THE MUSCOGEE NATION OF FLORIDA
ADOPTED JANUARY 21, 2001

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CONSTITUTION
OF
THE MUSCOGEE NATION OF FLORIDA

PREAMBLE

We, the members of the Muscogee Nation Of Florida, seeking divine guidance under Hesaketvmese -God and Creator- to promote justice, ensure tranquillity, provide for the general welfare, safeguard our interests, and secure the blessings of freedom and liberty, and the protection of our Muscogee heritage and way of life for ourselves and for our posterity, do hereby form and organize the Muscogee National Government of Florida and we ordain and establish this Constitution as the rules, laws, and legal foundation for its deliberation.

ARTICLE I

NAME AND SEAL

Section 1. Name Change. With the approval of this Constitution by the Tribal Council, the members of the Florida Tribe of Eastern Creek Indians hereby change our name to the Muscogee Nation of Florida. Nothing in this name change shall be construed as to deprive us or deny us the right of retaining the name Florida Tribe of Eastern Creek Indians, official copyright, rights, and properties owned by said tribe.

Section 2. Name. The name of this tribe of Muscogee (Creek) people is the MUSCOGEE NATION OF FLORIDA. This tribe shall hereinafter be referred to as the "NATION".

Section 3. Authority To Organize. The Nation hereby adopts and promulgates this, its Constitution, and organizes itself pursuant to its inherent rights, powers, and authority as an Indian Tribe and/or Nation.

Section 4. National Seal. The Nation shall have an official seal, as is here illustrated to-wit:

to be determined and included at a later date.

ARTICLE II
TERRITORY

Section 1. Regions. The territory of the Nation shall be divided into five Townships, which shall correspond with those counties within the State of Florida wherein members of the Nation are primarily resident, as follows:

- A. The Escambia Township, consisting of Escambia County, Florida;
- B. The Redground Township, consisting of Santa Rosa and Okaloosa Counties, Florida;
- C. The Choctawhatchee Township, consisting of Bay, Holmes, Walton and Washington Counties, Florida;
- D. The Apalachicola Township, consisting of Calhoun, Dixie, Franklin, Gadsden, Gulf, Jackson, Jefferson, Lafayette, Leon, Liberty, Madison, Taylor, and Wakulla Counties, Florida; and,
- E. The Withlacoochee Township, consisting of those counties within the State of Florida which are situated east and/or south of the Suwannee River.

Section 2. Lands. When the Nation achieves the status of a Federally Recognized Indian Tribe, within its territory, as afore described, the Nation shall own and exercise control and sovereignty over such lands as it possesses at the time of the ratification of this Constitution and which it may thereafter acquire, regardless of

whether the same are owned by it in its own name or are held in trust for it as reservation lands by the United States of America.

Section 3. Seat of Government. The Nation's seat of government and headquarters shall be upon its lands situated within its territory as designated by ordinance duly enacted by its National Council.

ARTICLE III

CITIZENSHIP

Section 1. Entitlement. Each Muscogee (Creek) Indian, by bloodline, shall be eligible for citizenship in the Nation, subject to the provisions of this Article.

Section 2. Citizenship Board. There shall be a Citizenship Board, which shall be comprised of five full citizens of the Nation, who shall be appointed by the Chief, subject to confirmation by the National Council. The Citizenship Board shall establish and maintain a citizenship roll of tribal members, according to the provisions of this Article III of this Constitution. Criteria for membership of the Citizenship Board shall be determined by National Council resolution.

Section 3. Full Citizenship Criteria. Those persons who are entitled to full citizenship in the Nation shall satisfy the following requirements based upon direct lineal descent, to wit:

- A. Demonstrated direct blood tie to a Muscogee (Creek) Indian who resided in the Creek Nation prior to implementation of the removal policies of the United States Government in regard to Creek Indians, or who were removed by the United States Government to that part of the State of Oklahoma which is now known as the Creek Nation; and

- B. Demonstrated direct blood tie to a known Muscogee (Creek) Indian who established residency within the State of Florida prior to the year 1895, as a result of the Indian removal policies or related activities of the United States Government; and

- C. Demonstrated Eligibility to share in United States of America Creek Land Claim Settlements, which are commonly known as Department of the Interior Dockets 21, 272, or 275 and/or demonstrated direct lineal descent from a member of a Creek community listed on the Abbott Parsons Census of 1832 or the Apalachicola Treaty.

Persons satisfying the requirements set forth above shall, upon approval by the National Council, be recognized as being possessed of full citizenship in the Nation.

Section 4. Tribal Clerk. The Office of Tribal Clerk shall be established to maintain citizenship rolls and other tribal records.

Section 5. Honorary Membership. The National Council may ceremonially adopt certain individuals who have demonstrated a history of extraordinary service and support to the Nation. Such adoption shall confer honorary membership, without rights of entitlement, voting, or officiating.

ARTICLE IV

DECLARATION OF RIGHTS

Section 1. Inherent Political Power. All political power of the Nation is inherent in its full citizens, as such class of citizenship is set forth in Article III of this Constitution, and nothing herein shall be construed to deny or impair other rights retained by said citizens of the Nation.

Section 2. Rights Not Abridged. Nothing in this constitution shall be construed to abridge, amend, or deny individual rights and privileges of tribal members as citizens of the State of Florida and of the United States of America, nor shall the Nation abridge or deny the rights and privileges of tribal members for purpose of claims against the State of Florida and the United States of America, as Muscogee (Creek) people.

Section 3. Religious Rights. The Nation shall enact no law nor engage in any practice that will prohibit or penalize the free exercise of religion, and no religious test shall ever be required as a qualification for office, citizenship or membership, or other entitlement.

Section 4. Free Speech Rights. Every citizen of the Nation shall be at liberty to speak, write, and publish opinions on any subject, being at all times individually responsible and accountable for the abuse of that right; and, no law shall ever be enacted curtailing the liberty of speech or of the press.

Section 5. Right to Assemble. Citizens of the Nation shall have the right to peaceably assemble, to petition for redress of grievances, and to instruct their elected representatives.

Section 6. Due Process Rights. No citizen of the Nation shall be deprived of life, Liberty, property, or any other rights, absent due process of law.

Section 7. Right of Privacy. Every citizen of the Nation has the right to privacy and freedom from governmental intrusion into that person's private life, unless otherwise provided in this Constitution. However, nothing in this section shall be construed to limit the access of citizens to public records and meetings, as provided by law.

ARTICLE V
GENERAL PROVISIONS

Section 1. Division of Powers. The powers of the government of the Nation shall be divided into three branches: Legislative, Executive, and Judicial. No person belonging to one branch shall exercise any power or authority belonging to the other branches.

Section 2. Oath of Office. Each Officer of the government of the Nation, before entering upon the duties of office, shall swear or affirm as follows:

"I, (state your full name), do solemnly swear (or affirm), that I will support, protect, and defend the Constitution and Government of the Muscogee Nation of Florida; that I am duly qualified to hold office under the Constitution of this Nation; and, that I will well and faithfully perform the duties of (name of Office) which is the office I am now about to enter, so help me God (Hesaketvmese)."

Section 3. Expiration of Terms, Compensation, Etc. Each Officer of the government of the Nation shall devote all necessary personal attention to the duties of the office held and shall continue to perform such duties until the date his or her successor assumes said duties. Unless expressly set forth in this Constitution, the powers, duties, compensation, and method of payment of such officers shall be fixed by ordinance.

Section 4. Ethics In Government. A Nation office is a Tribal and National trust and citizens of the Nation shall have the right to secure, sustain, and defend that trust against abuse. In furtherance of such rights:

- A. All elected Nation officers and candidates for such offices shall file full and public disclosure of their campaign finances with the Tribal Clerk;
- B. Any Nation officer or employee who breaches the Tribal and/or National trust for private gain, and/or any person or entity inducing such breach shall be liable to the Nation for all financial benefits obtained by such actions. The manner of recovery and additional damages shall be provided by ordinance; and
- C. Any Nation officer or employee who is convicted of a felony involving a breach of public trust shall be subject to forfeiture of rights and privileges under any retirement system or pension plan in such manner as provided by ordinance.

The National Council shall enact appropriate ordinances assuring the enforcement of the foregoing provisions.

ARTICLE VI

LEGISLATIVE BRANCH; NATIONAL COUNCIL

Section 1. Legislative Authority. The legislative authority of the Nation shall be vested in the National Council.

Section 2. National Council Composition. The initial number of members of the National Council shall be as follows: four members from the Escambia Township of the Nation; two members from the Redground Township of the Nation; three members from the Choctawhatchee Township of the Nation; two members from the Apalachicola Township of the Nation; and two members from the Withlacoochee Township of the Nation. The National Council shall enact apportionment ordinances

within each Township every two years for the purpose of ensuring equitable proportionate representation in its composition according to the tribal population of all the Townships of the Nation. There shall also be one "at large" member from outside the boundaries of established communities to represent the interest of those tribal members who live outside community boundaries and have not registered to vote in a specific Township. This at large member will be appointed by the Chief and approved by the National Council every four years.

Section 3. Qualifications. Members of the National Council shall have attained the age of twenty-five years prior to assuming office, either by election or appointment thereto. Only persons who are full citizens of the Nation shall be eligible to seek election to the National Council. The National Council shall, by resolution, establish procedures and qualification requirements for Chief, Vice-Chief, and National Council seat candidacy, including but not limited to qualification dates and signed petition requirements (in order to be placed on a ballot). The resolution will also include election procedures and ballot counting procedures.

Section 4. Speaker; Council Operations. The National Council shall choose a speaker every two years, who shall preside over meetings of the Council, appoint members to committees of the Council, and, in general, be responsible for the operations and conduct of the Council. The National Council shall select one of its members to preside over its meetings in the absence of the speaker.

Section 5. Terms of Office; Elections. Each member of the National Council shall be elected for a term of four years, by a Majority vote of full citizens of the Nation's Townships. Candidates must be citizens of the Township they seek to represent. Citizens must meet the requirements of Article X, Section 3 of this Constitution in order to be eligible to vote in any election. The National Council shall hold initial

elections on the second Tuesday in September 2002. Qualified tribal members and/or those council members whose terms of office expire in calendar year 2001 may be candidates for election/reelection on the second Tuesday in September 2002. The remaining council members, whose terms of office expire in calendar year 2003, and/or other qualified tribal members, may be candidates on the second Tuesday in September 2004. This will provide for council stability and require elections to be held every two years on the second Tuesday in September. The terms of office shall commence on the second Monday in the month following the election. In the event that a member of the National Council resigns, dies, becomes incompetent, or is removed during their term of office, the Chief shall appoint a successor to complete the unexpired term of office, subject to the approval of the National Council.

Section 6. Meetings. The National Council shall meet monthly, or at least quarterly, at the seat of government of the Tribe as designated by resolution in accordance with the provisions of Article II, Section 3, of this Constitution. The Chief of the Nation may convene the National Council in special session by notice. He shall state the purpose of such session and only that stated business may be transacted at that special session, unless otherwise agreed to by three-fifths (3/5) of the National Council. Special sessions of the National Council may be convened as provided by ordinance. The National Council shall, by resolution, designate rules and regulations regarding the holding of regular or special sessions at locations within the territory of the Tribe other than the seat of government.

Section 7. Quorum; Procedure. A majority of the membership of the National Council shall constitute a quorum; however, a lesser number may adjourn or compel the attendance of absent members in such manner and under such penalties as

prescribed by the National Council. The National Council shall establish its own rules of procedure. Unless stated otherwise in this constitution, a majority vote of a quorum will be required to pass any legislation. In the event of a tie, the Vice-Chief will cast the deciding vote.

Section 8. Powers. Subject to restrictions imposed pursuant to the Constitution of the United States of America, the National Council shall have authority on behalf of the Nation with regard to the following matters:

- A. The review, and approval, or denial of all agreements, settlements, compromises, and other actions negotiated by and between the Nation and its representatives with the United States of America, the State of Florida, other Indian Tribes, local governments, and governmental agencies which derive their authority as bodies corporate and politic from the United States of America and the State of Florida;
- B. The review and approval, or denial, of all leases of national lands and national resources, including the prevention of sale, disposition, lease, or encumbrance of national lands, national interests in land, or other national assets, absent such approval, shall be null and void;
- C. The review and approval, or denial, of expenditures from available national funds for national purposes, which includes, but is not limited to salaries and expenses of national officials and employees such monies shall be appropriated or expended unless approved by the National Council. All such approvals, amounts, and budgets shall be a matter of tribal public record and accessible through the office of the Tribal Clerk;

- D. The regulation of commerce and economic activities within and between the Nation and non-tribal members and entities, including, but not limited to the consideration of all agreements, plans, and contracts in regard thereto which may be proposed by the Chief. The Nation shall have the right to engage in commerce with non-tribal members and entities, in its discretion, and nothing herein set forth shall be construed as a limitation upon that right;
- E. All governmental operating and budget requests and appropriations shall be subject to the approval of the National Council, together with the expenditure of any sums deposited to the accounts of the Nation;
- F. To authorize deposit to the credit of the Nation, funds advanced and paid to the Nation from the United States of America in banking institutions whose accounts are insured by agencies of the United States of America;
- G. To promote the peace, safety, health, education, economic development, and general welfare of the Nation and its members, including acts benevolent and charitable and acts calculated to contribute to the social advancement of citizens and members;
- H. To adopt resolutions, ordinances, and procedures regarding the conduct of national affairs by officials, committees, and members of the National Council;
- I. To review and confirm or deny agreements of every kind and nature between the Nation and its members and other persons and entities which appertain to the rights of the Nation to conduct commerce and to carry on commercial business ventures;

- J. To manage, lease, dispose of, prevent the sale of, or otherwise deal with national lands, resources, or other interests belonging to or reserved for the benefit of the Nation, as proposed by the Chief, or otherwise in the discretion of the National Council;
- K. To approve and to amend, as necessary, the annual budget submitted by the Chief, as well as make appropriations from available funds for National purposes. All expenditures of funds shall be a matter of public record, open to all citizens of the Nation, at all reasonable times, through the office of the Tribal Clerk;
- L. To authorize the execution of contracts by the Chief on behalf of the Nation and to approve all suits and actions at law in the name of the Nation, including their settlement, dismissal, or other resolution;
- M. To authorize the borrowing of money on the credit of the Nation and to pledge future income as security therefore;
- N. To create authorities and boards, including administrative, corporate, and political, with powers delegated for the purpose of achieving objectives enunciated within this Article VI of this Constitution; and
- O. To conduct hearings and investigations consistent with its legislative and oversight authority herein set forth.

Section 9. Enactment of Legislation.

- A. Every resolution, order, or other act passed by the National Council, which is intended to become law or to otherwise reflect the policies, rules, and regulations of the Nation, shall be presented to the Chief for approval;
1. If the Chief approves the resolution, order, or other act, it shall become effective in accordance with the terms and conditions set forth therein.
 2. If the Chief does not approve the resolution, order, or other act, it shall be returned to the National Council together with a statement of objections issued by the Chief. These objections shall be entered into the journal of the National Council.
 3. A resolution, order, or other act returned by the Chief can be passed by a two-thirds (2/3) majority of the full membership of the National Council, with votes to be recorded in its journal. The resolution, order, or other act shall thereupon take effect, in accordance with its terms and conditions.
 4. In the event that a resolution, order, or other act passed by the National Council and submitted to the Chief for approval is not approved or returned by the Chief within 10 (ten) days after its submission (Saturdays, Sundays and legal holidays excluded), the same shall thereupon automatically take effect, in accordance with its terms and conditions, as if the Chief had approved it.
- B. Every resolution, order, or other act passed by the National Council, which is intended to reflect the laws, policies, rules, and regulations of the Nation, and which thereafter becomes effective, shall be signed by the Chief, regardless

of whether the Chief approved the same .The resolution, order, or other act shall be attested by the speaker of the National Council and affixed with the tribal seal.

- C. No resolution, order, or other act, which embraces more than a single subject, shall be considered or enacted by the National Council, unless agreed upon prior to consideration by the Council.

Section 10. Authority Reserved to National Council. No authority or right conferred upon the Nation in this Constitution, including authority and right conferred upon its three branches of government, may be delegated by the National Council to tribal officials, district councils, or tribal associations for purpose of conducting the functions of the Nation. The National Council may recognize district committees, associations, or other organizations open to members of the Nation, provided, however, that no such committee, organization, or association may assume authority inherently reserved to the Nation by and through its tribal government.

Section 11. Compensation. The speaker, members, and officials of the National Council shall receive compensation for their services, according to ordinance, when the Nation is financially able to pay such compensation. No Council member shall receive compensation from any enterprises, subsidiaries, or contractors, under contract with the Nation, which has not been specifically authorized by the National Council. The National Council shall, by resolution, also establish a retirement fund/pension plan and a comprehensive health plan for all National Council Members, the Chief, Vice-Chief, other executive branch officers, and all other employees of the Nation.

Section 12. Audit. The National Council shall, by resolution, establish and maintain an independent annual audit and examination process for all funds and accounts of the Nation, including funds and accounts utilized by all three branches of the government of the Nation, together with all other agencies, enterprises, organizations and associations which derive their existence through the Nation or through funding received or income derived as a result of affiliation with the Nation. Audit services shall be selected by the Council, and accountable only to the National Council. All audits and examinations shall be delivered to the National Council.

ARTICLE VII

EXECUTIVE BRANCH; OFFICE OF THE CHIEF

Section 1. Executive Power. The executive power of the Nation shall be vested in its Chief, who shall be its Chief Executive Officer.

Section 2. Vice-Chief; Succession. The Tribe shall have a Vice-Chief, who shall perform the duties assigned by the Chief. Upon vacancy in the office of the Chief, the Vice-Chief shall become the Chief for the duration of the term of office to which the Chief was elected. In the incapacity of the Chief, the Vice-Chief shall assume the duties of the Chief. Further succession to the Office of Chief, after the Vice-Chief, shall be specified in ordinance enacted by the National Council.

Section 3. Qualification. The Chief and Vice-Chief of the Nation shall have attained the age of at least thirty-five years prior to assuming the office of Chief and Vice-Chief. They shall both be full citizens of the Nation. Chief and Vice-Chief candidates will adhere to the election procedures and qualification requirements in accordance with Article VI, Section 3 of this Constitution.

Section 4. Terms of Office. The citizens of the Tribe shall elect the Chief and Vice-Chief for terms of office of four years. The terms of office shall commence on the second Monday in the month following the election.

Section 5. Elections. Candidates for the office of Chief and Vice-Chief shall run on a joint ticket, not individually. Initial elections shall be held on the second Tuesday in September 2002. Candidates for Chief and Vice Chief will be elected by majority vote of all registered voters. If no ticket receives a majority of the votes cast, a run-off election shall be held within thirty days.

Section 6. Execution of Duties. The Chief shall ensure that all rules, together with National Council resolutions and national policies, are faithfully executed and enforced.

Section 7. Appointments. The Chief shall appoint executive branch officers of the Nation, subject to approval of the National Council, for terms of office to expire upon the conclusion of the term of office to which the Chief is elected.

Section 8. Budget. The Chief shall submit an annual proposed budget to the National Council for all departments, programs, agencies, and enterprises of the Nation not later than thirty days prior to the annual budget session of the National Council in each year during the Chief's term in office. No funds may be expended unless approved by the National Council, which shall have exclusive authority to adopt the budget of the Nation.

Section 9. State of The Nation Address; Messages. The Chief shall, at least once each year during the month of January, deliver a State of the Nation address to the National Council. The Chief shall set forth a report concerning the condition of the

Nation and recommendations for legislative and other action. The Chief shall have the right to verbally address or submit such additional written messages to the National Council when he or she determines there is a need.

Section 10. Legal Counsel. The Chief may appoint and employ legal counsel, tribal or non-tribal, for the protection of the rights of the Nation and its members.

Section 11. Treasurer. The Chief shall appoint a Treasurer who shall be professionally qualified to manage the Tribe's Finance Department and may be selected from within or without the Nation. The Treasurer shall be under the supervision of the Chief. The Chief may remove the Treasurer from office. The Treasurer may appeal or report financial directives from the Chief, including disbursement and expenditure directives, to the National Council. The Treasurer shall not disburse funds of which have not been budgeted or allocated by the National Council. All checks issued by the Nation shall require the signatures of the Chief and Treasurer.

Section 12. Other Executive Personnel. The Chief is authorized to appoint such executive branch personnel as he or she deems necessary and appropriate for the purpose of assisting in the performance of the administrative responsibilities of office, including but not limited to a Chief of Staff and heads of the executive and administrative departments which may be created by the National Council. All such personnel shall be under the supervision and serve at the pleasure of the Chief.

Section 13. Representation of Nation. The Chief shall have the authority to negotiate and represent the Nation to other governments and governmental agencies; to other Indian tribes and Indian organizations; and, to private agencies and business entities, regarding governmental matters, matters of commerce, and

every other matter concerning the Nation. All agreements made by the Chief in regard thereto shall be subject to approval and ratification by the National Council. The Chief is authorized to appoint Ambassadors and representatives.

Section 14. Leases; Asset Protection. The Chief shall have the authority to negotiate leases of national lands and communal resources, and to prevent the sale, disposition, lease, or encumbrance of national lands, interests in land, or other assets, subject to the approval and ratification of all such actions by the National Council.

Section 15. Constitutional Responsibility. The Chief shall promote the health, welfare, education, peace, justice, safety, and overall good of the Nation and its members and shall protect and defend this Constitution by adherence to and enforcement of its provisions.

Section 16. Executive Compensation. The Chief, Vice-Chief, and other executive branch officers appointed by the Chief shall receive compensation as authorized by the National Council, by ordinance, and such compensation shall not be reduced, diminished, or withheld during their terms in office. No executive branch officer shall receive compensation from the Nation or from any of its branches, enterprises, subsidiaries, or contractors, which has not been specifically authorized by the National Council and made a matter of public record. The acceptance or receipt of any such compensation, payment, or emolument without National Council approval shall be regarded as unlawful and as cause for removal from office or impeachment. The Chief, Vice-Chief, and executive branch officers may serve without compensation until the Nation is capable of paying such compensation.

Section 17. Audit. The Chief, Vice-Chief, and other executive branch officers shall, as appropriate to their respective positions, cooperate with the National Council in regard to the audits and examinations required under this constitution through its designated auditors.

Section 18. Ceremonial Chief. The Muscogee (Creek) Nation of Florida has a Ceremonial Chief, to conduct ceremonial activities and to act as the protector of our historical traditions and heritage. The Ceremonial Chief's duties shall foster the continuance of the ways and culture of our Creek people. This position is ceremonial in nature and will not affect the operation of the Executive Branch. Upon the death of the current Ceremonial Chief, the National Council will select his replacement.

ARTICLE VIII JUDICIAL BRANCH

Section 1. Judicial Power. The judicial power of the Muscogee Nation of Florida shall be vested in one Court of Elders, limited to matters of the Muscogee Nation's jurisdiction. When the Nation achieves federal recognition status, it shall establish one Supreme Court and such inferior courts as the National Council may from time to time ordain.

Section 2. Court of Elders Members. The Court of Elders shall be composed of five (5) members appointed by the Chief, subject to majority approval by the National Council, and whose terms shall be for four (4) years. Members of the Court of Elders must be at least fifty-five (55) years of age.

Section 3. Court of Elders Due Process. The Court of elders shall, with the approval of the National Council establish procedures to ensure that the citizens of

the Nation receive due process of National law, rules, and policies, and prompt and fair relief.

Section 4. Court of Elders Chief Justice. The Court of Elders shall be presided over by a Chief Justice chosen from their own number and shall be in regular, quarterly-scheduled session, coinciding with that of the fiscal year.

Section 5. Court of Elders Decision. The decisions of the Court of Elders shall be in writing and shall be final.

Section 6. Court of Elders Procedures. The Court of Elders shall adopt rules of procedure for itself, which will be approved by the National Council.

ARTICLE IX
AMENDMENTS

Section 1. Amendments. Proposed amendments to this Constitution shall be submitted in writing to the National Council at least one month prior to consideration. Any amendment to this constitution shall require adoption by a two-thirds (2/3) affirmative vote of the full National Council. Amendments shall become official when adopted. No votes by proxy will be accepted.

ARTICLE X
NOMINATIONS AND ELECTIONS

Section 1. Nominations. Candidates for Chief, Vice-Chief, and seats on the National Council shall meet the requirements of Article VI, Section 3 of this Constitution.

Section 2. Initial Elections.

- A. The first election of the Chief, Vice-Chief, and representatives to the National Council under this Constitution shall be held on the second Tuesday in September 2002 following approval and adoption of this Constitution and shall be held under the supervision of the then serving council.

- B. Any Tribal member who has reached his or her eighteenth birthday at least thirty days prior to the initial election for the Nation shall be eligible to vote in the initial election for the Chief and Vice-Chief, and the National Council, notwithstanding subsequent determination of citizenship mandated by this Constitution which might disenfranchise certain members of the Nation.

- C. The National Council will enforce established ordinances for all elections.

Section 3. General Elections. All elections will be determined by majority vote. In any election of the Nation, resident voters shall register within the Township of their domicile or their Band's Township of domicile. Where this Constitution provides for election of members of the National Council from a particular Township, only voters who have declared said Township and registered to vote in that Township shall be eligible to participate in the election of such representatives. Non-resident voters may cast ballots if they have declared their Band's Township of domicile and are registered to vote in their Band's Township of domicile. Non-resident voters who do not declare and register to vote in their Band's Township or domicile may register to vote for "at large" candidates only.

ARTICLE XI
REMOVAL FROM OFFICE

Section 1. Procedures. The National Council shall enact an ordinance outlining causes and procedures for the removal from office. Such Procedures shall contain, but not be limited to, the certification of the required petition, as provided in Sections 2 and 3 of this Article and show of cause for removal, giving the accused an impartial hearing and allowance of time to answer to notice of such hearing.

Section 2. Showing Cause. A signed petition showing cause of removal containing twenty percent of the registered voters in a Township shall be cause to consider removal of a council member.

Section 3. Removal of Officers. The Chief, Vice-Chief, any National Council officer or member, Court of Elders member, or other executive branch officer may be removed from office with a petition showing cause for removal. This petition must include signatures of at least twenty percent (20%) of the registered voters of the Nation. A three-fourths (3/4) vote of the National Council shall be required for removal from office, after an impeachment hearing.


ARTICLE XII
RATIFICATION AND FIRST ELECTION

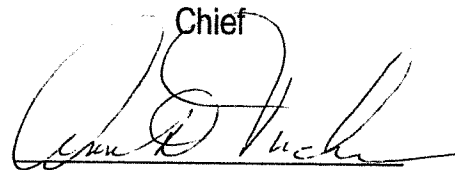
Section 1. Ratification. This Constitution shall become effective upon ratification by the existing Tribal Council.

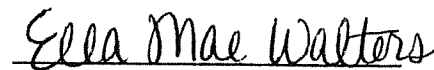
Section 2. First Election of Officers and Representatives. For purposes of this first election of officers and representatives under this Constitution:

- A. Only those persons who are full citizens of the Nation, who are registered voters, and who meet the requirements of the provisions of this Constitution, will be allowed to vote in the initial election.
- B. Each Township shall elect the number of representatives allocated it according to resolution and Article VI, section 2 of this Constitution.
- C. The Chief and Vice-Chief candidates will be "at large" candidates, elected by majority vote of all registered voters.

The Muscogee Nation of Florida Indian Council officially adopted this Constitution on January 21, 2001 at Bruce, Florida by a vote of 22 for, 0 against, 0 abstain.


J.A. "Brick" Mason
Chief


Ann D. Tucker
Vice-Chief


Ella Mae Walters
Secretary

AMENDMENT

To The Constitution Of The Muscogee Nation Of Florida Adopted At The National Council Meeting, August 26, 2001

ARTICLE VI Section 5. AFTER: "Initial elections on the Second Tuesday in September":
DELETE: "2001 following ratification of this Constitution."
ADD: "2002."

AFTER: " election/reelection on the second Tuesday in September":
DELETE: "2001."
ADD: "2002."

AFTER: " may be candidates on the second Tuesday in September":
DELETE: "2003."
ADD: "2004."

ARTICLE VII Section 5. AFTER: " second Tuesday in September":
DELETE: "2001, following ratification of this Constitution by the National Council."
ADD: "2002."

ARTICLE X Section 2.A. AFTER: " held on the second Tuesday in September":
DELETE: "2001"
ADD: "2002"